

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Southern Division

U.S.A. vs. Emmett Madison Graham, Jr.

Docket No. 7:97-CR-98-1F

Petition for Action on Supervised Release

COMES NOW John A. Cooper, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Emmett Madison Graham, who, upon an earlier plea of guilty to Conspiracy To Possess With Intent To Distribute Marijuana, in violation of 21 U.S.C. § 846; Possession With Intent to Distribute Marijuana, in violation of 21 U.S.C. § 841(a)(1); and Aiding and Abetting Using and Carrying a Firearm During a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on September 14, 1998, to the custody of the Bureau of Prisons for a term of 210 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On August 7, 2001, pursuant to 18 U.S.C. § 2255, the term of imprisonment was reduced to 175 months.

Emmett Madison Graham was released from custody on December 23, 2010, at which time the term of supervised release commenced. On August 4, 2014, Graham was reported to the court via Petition for Action on Supervised release wherein he had tested positive for cocaine. The court continued supervision but imposed a 2 day jail sentence.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On February 20, 2015, Graham submitted to urine testing and the result was positive for cocaine and Oxycodone. Graham has a prescription for the Oxycodone, however the cocaine result was confirmed positive by laboratory analysis. Graham is currently participating in outpatient testing and treatment to address his substance abuse issues. He has been advised that illegal drug use will not be tolerated. As such, we are recommending supervision be continued, but require Graham to serve 3 weekends in jail as a sanction for his illegal drug use. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 3 weekends, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton

Robert L. Thornton

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ John A. Cooper

John A. Cooper

U.S. Probation Officer

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Executed On: April 30, 2015

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ORDER OF THE COURT

Considered and ordered this 17 day of May, 2015 and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge